

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q83564

Akira IDENO, et al.

Appln. No.: 10/511,098

Group Art Unit: 1652

Confirmation No.: 9139

Examiner: Rebecca E. Prouty

Filed: October 14, 2004

For: EXPRESSION VECTOR, HOST, FUSED PROTEIN, PROCESS FOR PRODUCING
FUSED PROTEIN AND PROCESS FOR PRODUCING PROTEIN

SUBMISSION OF EXECUTED DECLARATION UNDER 37 C.F.R. §1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a copy of an executed Declaration Under 37 C.F.R. §1.132 signed by Dr. Akira Ideno. This paper serves as a supplement to the Amendment filed on May 19, 2008.

Respectfully submitted,



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FUSED PROTEIN AND PROCESS FOR PRODUCING PROTEIN**

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Akira Ideno, hereby declare and state:

THAT I am a citizen of Japan;

THAT I have received a Doctorate degree in Agricultural Science from KOBE University;

THAT I have been employed by Sekisu Chemical Co., Ltd. since 1992, where I hold a position as Research Scientist, with responsibility for sub-managing;

THAT I am an inventor of the above mentioned application;

THAT the following data was generated by my laboratory under my direction and supervision;

THAT I have read the Office Action dated August 9, 2007, and January 18, 2008, and understand the basis of the rejections set forth therein and the references cited by the Examiner, particularly Fersht et al. and Furtani et al.; and

SUPPLEMENTAL DECLARATION UNDER
37 C.F.R. § 1.132
U.S. Application No.: 10/511,098

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THAT Fersht et al. and Furtani et al. fail to teach, suggest or motivate one of ordinary skill in the art Applicants' invention; and Fersht et al. and Furtani et al. fail to suggest or disclose the unexpected properties of Applicants' invention.

I declare that because TcFKPB18 used in the TcKK fusion 2 system discussed in the previous Rule 132 Declaration submitted November 9, 2007, is an archebacterial FKBP-type PPIase, the presently claimed archebacterial FKBP-type PPIase shows unexpectedly superior results.

As shown in the previous Rule 132 Declaration, the TcFKfusion2 of an expression vector for fusion with a short type FKBP-type PPIase (TcFKBP18) showed expression of fused proteins and PPIase, as evidenced by SDS-PAGE (Figs. 1A-1C and Table 2) and immunostaining. In contrast, expression of fused proteins was not observed in the GroEl fusion system of Fersht et al. (Fig. 2 and Table 2).

In addition, TcFKBP18 is representative of the claimed archaebacterial FKBP-type PPIase since any archaebacterial FKBP-type PPIase can show unexpectedly superior results because the PPIase has an IF domain and/or C-terminal domain.

Based on the results of the experiments set forth in the previous Rule 132 Declaration, I believe the presently claimed vector is not disclosed or suggested by the cited literature. The cited references fail to disclose the elements of the presently claimed invention, particularly a vector encoding a fusion protein with a PPIase having molecular chaperone activity wherein the PPIase is archaebacterial FKBP-type PPIase.

SUPPLEMENTAL DECLARATION UNDER
37 C.F.R. § 1.132
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I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June, 6th, 2008

Akira Ideno

Akira Ideno